

5. Effective May 15, 2025, Local Rule 56.01 was amended.¹ Previously, Local Rule 56.01(c) stated that a non-movant's response may contain a concise statement of any additional disputed facts that the non-movant contended were material and which the non-movant contended there existed a genuine issue to be tried.

6. Even the prior version of Local Rule 56.01(c) did not permit the non-movant to file an additional statement of undisputed facts as Plaintiffs have done here.

7. With the May 15, 2025 amendments, statements of additional disputed facts have been removed from now effective Local Rule 56.01(e).

8. In addition to being impermissible under the Local Rules, it should also be noted that Plaintiffs' Statement of Additional Undisputed Facts largely pertain to the claims of *David Sills*, not *Mary Sills*.² For example, several of them pertain to the Guidepost Report and investigation and the release of the list of alleged abusers, which do not mention and have nothing to do with Mary Sills' claims. [Doc. 329 at pp.6,8].

9. Filings that do not comply with and/or are not permitted by the Local Rules are subject to being stricken. *See, e.g., Doe v. Rausch*, No. 3:24-cv-01403 2025 WL 57711, at *1 n.1 (M.D. Tenn. Jan. 9, 2025).

¹ <https://www.tnmd.uscourts.gov/sites/tnmd/files/AO199%20-%20Local%20Rules%20Comments%204.2025%20-%20Revised.pdf>

² This tactic was not just limited to Plaintiffs' Statement of Additional Material Facts. As will be more fully discussed in the ECSBC's Reply brief, Plaintiffs filed 40 exhibits consisting of 2600 pages with their Response, very little of which pertains to the claims of Mary Sills. Not only were thousands of unnecessary pages filed, Plaintiffs created unnecessary work for the Court and the parties by moving to file all 40 exhibits under seal, many of which are undeniably public documents, such as newspaper articles and social media posts. Take, for example, Exhibit 24 to the Response. It is titled on the docket as "Mohler's Public Statement," which a public statement by its nature cannot be confidential. Needless to say Plaintiffs moved to seal without conferring with counsel as required by Local Rule 7.01(a)(1).

10. Accordingly, Plaintiffs' Statement of Additional Undisputed Facts are not permitted by Local Rule 56.01 and should be stricken.

11. Prior to filing this Motion, the ECSBC conferred with counsel as required by Local Rule 7.01(a)(1). Plaintiffs did not agree to withdraw the Statement of Additional Undisputed Facts.

WHEREFORE, the ECSBC respectfully requests that Plaintiffs' Statement of Additional Undisputed Facts be stricken for failing to comply with the Local Rules and that the ECSBC be relieved of any obligation to respond to the same. The ECSBC further requests costs expended in responding to the improper filing.

EXECUTIVE COMMITTEE OF THE
SOUTHERN BAPTIST CONVENTION
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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2025, the ***MOTION TO STRIKE PLAINTIFFS' STATEMENT OF ADDITIONAL UNDISPUTED FACTS*** has been served through the Court's electronic filing system on the following:

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